

REMARKS

This is in response to the outstanding Official Action. Applicants submit that the foregoing amendment, and these remarks are fully responsive to all outstanding rejections and objections. Applicants request further examination, and reconsideration and withdrawal of all rejections and objections for at least the reasons that follow.

Prior Art

Bach

The Official Action presents an anticipation rejection based upon Bach in light of Liu or Hundley. In a verbal communication, the Examiner informed Applicants' representative that the recitation of Liu and Hundley within the rejection was in error, and that the rejection is indeed an anticipation rejection based only on Bach. Applicants respond in full reliance on that representation.

Bach is not prior art. The Bach reference states that it was published online 10 August 2003. The instant application claims, and was granted, a priority date of 18 October 2002 based upon FR 0213022 (see Preliminary Amendment, April 18, 2005, amending specification to include reference to claim of priority to this and other related applications). Accordingly, the priority date of the instant application is at least as early as 18 October 2002, which predates the publication of Bach. Accordingly, Bach is not prior art relative to this application. Reconsideration and withdrawal of the rejection is requested.

Le & Cavier

Both the Le and Cavier references are cited as allegedly anticipating claim 16. Applicants hereby amend claim 16 to remove those embodiments where $R' = H$, without prejudice or disclaimer. As those embodiments are no longer embraced by the claims now pending in this application, the cited references do not anticipate the claimed invention. Accordingly, Applicants request reconsideration and withdrawal of the rejections.

Drawings

The Official Action asserts that there are French words in Figures 4 and 8.

Applicants properly submitted an English language translation of the instant application in a Response to the Notice to File Missing Parts, which Response was filed with USPTO on November 18, 2005. The translation as submitted translated the French words found in the original Figure 8 into English. Accordingly, Applicants submit that this objection should be withdrawn.

Figure 4 did not originally, and does not now, contain any French words. Accordingly, Applicants submit that this objection is in error, and should be withdrawn.

Finally, Applicants invite the Office's attention to the Figures as published in US 2006/0172337 A1. Applicants submit that in the Figures as published, no French words are found.

Double Patenting

Applicants wish to defer the double patenting rejection of claims 16 and 17, relative to claims 19 and 20 of co-pending, related application USSN 11/483,822, until such time as allowable subject matter is indicated.

Conclusion

For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of all outstanding rejections and objections, and formal notification of allowance of the pending claims. If, however, the Examiner perceives any barriers to such notification, whether formal or substantive, Applicants encourage the Examiner to contact their representative at the number provided below. Such informal communication will expedite examination and disposal of the instant case.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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By:


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